



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,422	06/26/2000	Karl Haakonsen	11328-006001	2840

26161 7590 05/19/2003

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

BLACKMAN, ANTHONY J

ART UNIT	PAPER NUMBER
----------	--------------

2676

DATE MAILED: 05/19/2003

//

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/603,422

Applicant(s)

HAAKONSEN, KARL

Examiner

ANTHONY J BLACKMAN

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/11/2003 have been fully considered but they are not persuasive. Because GOLDWASSER et al disclose offsets, each directly associated with mini-images and the (claimed and) amended claimed limitations associate offsets with one of a series of video images substantially bear similar results in the display of mini-images and/or the display of one of a series of video images. Utilization of GOLDWASSER et al is maintained in the rejection of the amended claims. Therefore, this office action is final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by GOLDWASSER et al US Patent Number 4,737,921.

4. Consider claims 1 and 6. GOLDWASSER et al disclose the displaying of a video image of at least a portion of a virtual patient (Abstract, lines 1-2 and figures 2-4): the method comprising:

Art Unit: 2676

accessing identification of a video file (figure 3, element 52, column 2, lines 58-60, column 6, line 64 to column 7, line 11), the video file comprising a series of video images that depicts virtual patient features over a range of said features (figure 2, and figure 4a, element 76, column 12, lines 31-59, column 15, lines 37-42, column 16, lines 18-28); determining an offset into the video file (figure 6, element 42 and 46, column 18, lines 18-51, column 19, lines 38-66), the offset corresponding to one of the series of video images ((figure 6, element 42 and 46, column 18, lines 18-51, column 19, lines 38-66); and presenting the one of the series of video images corresponding to the offset (figure 6, elements 42 and 46, column 18, lines 18-51, column 19, lines 38-66).

5. Consider claim 6. GOLDWASSER et al disclose a computer program product, disposed on a computer readable medium, for displaying a video image of at least a portion of a virtual patient (Abstract, lines 1-2 and figures 2-4), the program including instructions for causing a processor to:

accessing identification of a video file (figure 3, element 52, column 2, lines 58-60, column 6, line 64 to column 7, line 11), the video file comprising video data that depicts virtual patient features over a range of said features (figure 2, and figure 4a, element 76, column 12, lines 31-59, column 15, lines 37-42, column 16, lines 18-28); determining an offset into the video file (figure 6, element 42 and 46, column 18, lines 18-51, column 19, lines 38-66), the offset corresponding to one of the series of video images (figure 6, element 42 and 46, column 18, lines 18-51, column 19, lines 38-66); and presenting the one of the series of video images corresponding to the offset (figure 6, elements 42 and 46, column 18, lines 18-51, column 19, lines 38-66).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over GOLDWASSER et al in view of IYRIBOZ et al US Patent Number 6,369,812

8. Consider claims 2 and 7. GOLDWASSER et al meet limitations for both claims 1 and 6. However, does not expressly teach the features of claim 2 and 7, wherein the video file comprises a motion JPEG (JOINT PICTURES EXPERTS GROUP) file. IYRIBOXZ et al disclose the features of claims 2 and 7 (column 12, lines 47-57). It would have been obvious to modify "...the real-time three-dimensional display device particularly suited for medical imaging..." (Abstract, lines 1-2) of GOLDWASSER et al with " ...[the] three-dimensional presentations of diagnostic medical images on remote video monitors...(column 1, lines 10-12)" of IYRIBOZ et al because both inventions are related to the interpretation and analysis of displayed medical/patient data. IYRIBOZ et al additionally adds the following advantage with modification to GOLDWASSER et al, "... provides full, unobstructed spherical panoramic views from within a three-dimensional array of image data (column 4, lines 33-35).

9. Claims 3-5, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over GOLDWASSER et al US Patent Number 4,737,921 in view of LINFORD et al, US Patent Number 5,825,941.

10. Consider claims 3 and 8. GOLDWASSER et al meet limitations for both claims 1 and 6, however does not meet the following feature(s) of claims 3 and 8, wherein the virtual patient features comprise at least one of the following: age or weight. LINFORD et al meets the means of the aforementioned feature(s) (figures 14a-14d and 16, wherein the figures disclose a reduction in facial mass, i.e., weight). It would have been obvious to one skilled in the art at the time of the invention to modify "...the real-time three-dimensional display device particularly suited for medical imaging..." (Abstract, lines 1-2) of GOLDWASSER et al with the teaching computer imaging and manipulating digital photographs (column 1, lines 10-13) because both inventions are related to displaying medical imaging to benefit both patient and physician. Further, this "...aesthetic imaging system [is used] in editing digital images. The aesthetic imaging system includes a unique user interface that allows edits to be performed more effectively with less confusion to the patient (column 2, lines 49-53). Therefore, it would have been obvious to combine the inventions because LINFORD et al's "unique user interface" "...improve[s] the overall experience of a patient during a preoperative visit with a physician. The powerful tools in the aesthetic imaging system allow the physician to easily manipulate the patient's image in response to the feedback provided by the patient (column 4, lines 2-6).

Art Unit: 2676

11. Consider claims 4 and 9. GOLDWASSER et al meet limitations for claims 1 and 6, however, does not disclose the following feature, further comprising receiving a range of values, and wherein determining the means of an offset comprises determining an offset based on a relation of virtual patient state data relative to the received range of values. LINFORD et al suggests the aforementioned features - further comprising receiving a range of values (figures 14a-14d, figure 16, and column 25, lines 33-48), and wherein determining the means of an offset comprises determining an offset based on a relation of virtual patient state data relative to the received range of values (figures 14a-14d, figure 16, and column 25, lines 33-48).

12. Consider claims 5 and 10. GOLDWASSER et al meet the limitations of claims 1 and 6, however, does not expressly teach the features of claims 5 and 10. LINFORD et al makes the suggestion wherein the video comprises a video that morphs an image of the virtual patient from slim to heavysset (figure 13, element 300, column 2, line 57 to column 21, line 15, column 22, line 57 to column 23, line 4).

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 703-305-0833. The examiner can normally be reached on FLEX SCHEDULE.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 703-308-6829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

Art Unit: 2676

872-9314 for regular communications and 703-746-5731 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



ANTHONY J BLACKMAN
Examiner
Art Unit 2676

May 13, 2003



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600